



Mack H Shumate, Jr.
Senior General Attorney, Law Department

224558

February 19, 2009

VIA E-FILING

The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

**RE: Exempt Discontinuance of Service over the Pea Ridge
Subdivision from Milepost 63.75 near New Fountain Farm to
Milepost 84.42 near Pea Ridge, a distance of 20.67 miles in
Washington County, Missouri; STB Docket AB-33 (Sub-No.
204X)**

Dear Secretary Quinlan:

Attached for filing in the above-referenced docket is the
Combined Environmental and Historic Report prepared pursuant to
49 C.F.R. §1105.7 and §1105.81 with a Certificate of Service,
and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption to
Discontinue Service on or after March 11, 2009.

Sincerely,

Attachment

cc: All Concerned Parties

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No AB-33 (Sub-No. 204X)

**UNION PACIFIC RAILROAD COMPANY
– EXEMPT DISCONTINUANCE OF SERVICE–
IN WASHINGTON COUNTY, MISSOURI
(PEA RIDGE SUBDIVISION)**

Combined Environmental and Historic Report

**UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr.,
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX**

Dated February 19, 2009

Filed February 19, 2009

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No 204X)

**UNION PACIFIC RAILROAD COMPANY
-- EXEMPT DISCONTINUANCE OF SERVICE --
IN WASHINGTON COUNTY, MISSOURI
(PEA RIDGE SUBDIVISION)**

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C F R §1105 7(e) and 49 C F R §1105 8(d), respectively, for an exempt discontinuance of service over the Pea Ridge Subdivision from milepost 63 75 near New Fountain Farm to milepost 84 42 near Pea Ridge, a distance of 20 67 miles in Washington County, Missouri (the "Line") The Line traverses U S Postal Service Zip Code **93635**

The UP anticipates that a Notice of Exemption to discontinue service on the Line will be filed at the STB on or after March 11, 2009

A map of the Line is attached as **Attachment No. 1**. UP's letters to federal, state and local government agencies is marked as **Group Attachment No. 2** and consists of UP's initial letter to the governmental agencies dated April 21, 2003, the cover letter for the filing of the first Combined Environmental and Historic Report dated July 11, 2003 and the most recent initial letter to the governmental agencies dated February 4, 2009 ¹ Responses received to the letter to date are attached and sequentially numbered as indicated below

¹ UP previously filed with the Board a Combined Environmental and Historic Report for the Abandonment and Discontinuance of Service over a larger segment of the Pea Ridge Subdivision on July 11, 2003. The proposed Abandonment began at M P 59 0 near New Fountain Farm to M P 84 42 near Pea Ridge for a distance of 25 42 miles. The abandonment was placed on hold pending determination if potential iron ore movements would save the Line. Unfortunately, no actual iron ore business developed but the potential still remains. For this reason UP has placed on hold abandonment of the Line and is only seeking discontinuance of service over a smaller portion of the Line at this time.

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ENVIRONMENTAL REPORT
49 C.F.R. §1105.7(e)

(1) Proposed action and alternatives Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves the discontinuance of service over the Pea Ridge Subdivision from milepost 63.75 near New Fountain Farm to milepost 84.42 near Pea Ridge, a distance of 20.67 miles in Washington County, Missouri. The last customer on the segment, Pea Ridge Iron Ore Company at Pea Ridge, ceased rail activity in September 2001 when it went out of business, sold its mine real estate for recreational use and liquidated its equipment. An initiative by the new property owner to move ore from the mine property did not result in any rail business.

The proposed discontinuance will permit UP to end its common carrier obligation on track that has fallen out of operable condition while preserving it for restoration of service to the Pea Ridge mine or other activity if such service is requested and can be economically justified. The Line has not been used for overhead traffic. It might have been used on occasion for car storage.

UP will continue to serve the initial portion of the Pea Ridge line in the New Fountain Farm area. The principal road in the area is state highway 185, which parallels the Line and connects to Interstate 44 approximately 15 miles northwest of Pea Ridge.

The Pea Ridge Subdivision was constructed by the Missouri Pacific Railroad Company in 1961. The Line is primarily constructed with 112-pound jointed rail. The property involved does not include any federally granted right-of-way. Approximately 40% of the right-of-way has reversionary title.

A map of the Line is attached as **Attachment No. 1**.

(2) Transportation system Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: There will be no effect on regional or local transportation systems or patterns

(3) **Land use.** (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies

(ii) Based on consultation with the U S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by §1105.9

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. §10905 and explain why.

Response: (i) UP is unaware of any adverse effects on local and existing land use plans. The Missouri Federal Assistance Clearinghouse, in cooperation with state and local agencies, contacted UP by letter dated February 17, 2009, a copy of which is attached hereto as **Attachment No. 3** and hereby made a part hereof, advising that none of the agencies involved in the review had any comments or recommendations to offer at this time. The Washington County Commissioners Office has been contacted. To date no response has been received.

(ii) The United States Natural Resources Conservation Service indicated a concern about the removal of bridges and culverts which will now not be applicable given that the proposed action has been changed from abandonment to a discontinuance of service.

(iii) Not Applicable.

(iv) It is not likely that any of the right-of-way is suitable for other public purposes since it is located in a very rural area of Washington County.

(4) **Energy** (i) Describe the effect of the proposed action on transportation of energy resources

(ii) Describe the effect of the proposed action on recyclable commodities

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected Line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response: (i) There will be no effects on the transportation of energy resources

(ii) There are no recyclable commodities moved over the Line

(iii) There will be no increase in energy consumption from the discontinuance

(iv)(A)(B) There will be no rail-to-motor diversion of this magnitude

(5) **Air** (i) If the proposed action will result in either

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions For a proposal under 49 U S C §10901 (or §10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§ (5)(i)(A) will apply

Response: There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a Class 1 or non-attainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. §10901 (or 49 U.S.C. §10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

(5) **Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify the materials and quantity, the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills, contingency plans to deal with accidental spills, and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not affect the transportation of ozone depleting materials.

(6) **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify the materials and quantity, the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions), the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills, the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved

Response: (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) **Biological resources** (i) Based on consultation with the U S Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response: (i) The U. S Fish and Wildlife Service has been contacted To date UP has received no response

(ii) UP is not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests, that will be affected by the proposed discontinuance

(9) **Water** (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U S C § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected Describe the effects

(iii) State whether permits under section 402 of the Clean Water Act (33 U S.C § 1342) are required for the proposed action (Applicants should contact the U S Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required)

Response: (i) The Missouri Water Pollution Control Office has been contacted. To date the UP has received no response.

(ii) The U S Army Corps of Engineers has been contacted To date no response has been received

(iii) It is not anticipated there will be any requirements for Section 402 permits.

(10) **Proposed Mitigation** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate

Response: There are no known adverse environmental impacts

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U S G S topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action

Response: See Attachment No. 1

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area

Response: The right-of-way for the 20.67 mile Line proposed for discontinuance is best described in six (6) segments

In Segment 1, milepost 63.75 to milepost 65.5, the right-of-way varies from 150 to 200 feet in width and slopes steeply from the track on the south side of the Line. The track is located on a light to moderate fill but is also along "cut" areas throughout the segment. The terrain is very rural and has light to moderate cedar and scrub trees. There are a number of farm road crossings. Adjacent land uses include rural acreages, farms and stands of cedar and scrub trees. There is a County highway crossing and one bridge across a creek.

In Segment 2, milepost 65.6 to milepost 69.25, the right-of-way varies from 150 to 200 feet in width and slopes moderately from the tracks. The track is located on a light to moderate fill. The topography is very rural and cedar and scrub trees are along the entire segment. There are a number of farm road crossings along the tracks. Adjacent land uses include rural acreages, farms and woods. There are approximately six bridge crossings of creeks along the segment.

In Segment 3, milepost 69.25 to milepost 73.0, the right-of-way varies from 150 to 175 feet in width and the topography is sloping moderately from the track. The track is located on a slight to moderate fill. Most of the adjacent land is covered with small/medium cedar trees and some pastureland. There are a number of farm road crossings. Adjacent land uses include rural acreages, pastureland and woods. There are two bridge crossings of creeks along the segment.

In Segment 4, milepost 73.0 to milepost 77.25, the right-of-way varies from 150 to 250 feet in width. The track is located on a fill with the southwesterly side of the right-of-way sloping steeply from the track. The topography is raised fill with moderate to steep sloping from the tracks. Adjacent land uses include woods and rural acreages. There is one public highway, one bridge and two culvert crossings of creeks along this segment.

In Segment 5, milepost 77.25 to milepost 81.25, most of the right-of-way is 150 feet in width with variance up to 200 feet in locations. The track is located on level ground to slight fill. Adjacent land uses include rural acreages, farms and cedar and scrub trees. A county road, at least two bridges across creeks, and a number of farm road crossings are in this segment.

In Segment 6, milepost 81.25 to milepost 84.42, the right-of-way varies between 150 and 300 feet in width. The track is located on slight to moderate fill and also small cut areas. Adjacent land uses include pastureland, woods, rural acreages and areas used for stockpiling rock aggregates. There are two bridges across creeks and a number of farm road crossings along the tracks. The segment ends at the iron ore mine.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Response: There are no railroad structures on the property that are 50 years old or older. While the UP initially did receive a letter from the Department of Natural Resources for the State of Missouri ("DNRSM") dated May 1, 2003 (See **Attachment No. 4** which is hereby made a part hereof) indicating that the entire line is eligible for inclusion in the National Register of Historic Places as a component of the Iron

Mountain Railroad, in that entire line is less than 50 years old and has been modified and reconstructed routinely as part of the normal railroad maintenance process, there was and remains no creditable basis to consider the Line as an Historic structure UP so informed the DNRSM by letter dated June 3, 2003 in response to the May 1, 2003 letter from DNRSM, a copy of which is attached hereto as **Attachment No. 5** and hereby made a part hereof. In response, the DNRSM by letter dated June 12, 2003 concurred with UP and held that there will be no historic properties affected by the current project. A copy of this letter is attached hereto as **Attachment No. 6** and hereby made a part hereof. In addition, in that the current proposal is merely for authority to discontinue operations over rather than abandonment of the Line, no railroad structures will be removed other than at grade railroad crossings if permitted by the Board and the Missouri Public Service Commission.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known.

Response: Not Applicable

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

Response: See the preceding pages for a brief history and description of carrier operations.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

Response: Not applicable

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. §60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities).

Response: There are no railroad structures or bridges that are 50 years old or older

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

Response: UP does not have any such readily available information.

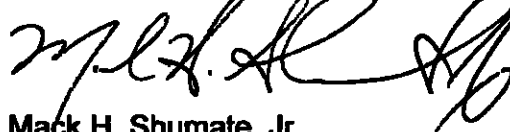
(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified non-railroad owned properties or group of properties immediately adjacent to the railroad right-of-way: Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American).

Response: Not applicable

Dated this 19th day of February, 2009

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No AB-33 (Sub-No 204X) for the Pea Ridge Subdivision in Washington County, Missouri was served by first class mail on the 19th day of February, 2009 on the following

State Clearinghouse (or alternate):

Missouri Federal Assistance Clearinghouse
Office of Administration
PO Box 809
Truman Building, Room 840
Jefferson City, MO 65102

State Environmental Protection Agency:

Missouri Water Pollution Control
Department of Natural Resources
Division of Environmental Quality
210 Hoover Road, PO Box 176
Jefferson City, MO 65102-0176

State Coastal Zone Management Agency
(if applicable):

Head of each County:

Washington County Commissioners
102 North Missouri Street
County Courthouse
Potosi, MO 63664-1774

Environmental Protection Agency
(regional office):

U S Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City, KS 66101

U.S. Fish and Wildlife:

U S Fish & Wildlife Service, Region 3
Great Lakes - Big River Region
1 Federal Drive - BWH Federal Building
Fort Snelling, MN 55111

U.S. Army Corps of Engineers:

U S Army Engineer District
St Louis
1222 Spruce Street
St Louis, MO 63103-2833

National Park Service:

Nick Chevance, Environmental Coordinator
Planning & Compliance Office
National Park Service, Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Natural Resources Conservation
Service:

USDA Natural Resources Conservation Service
State Conservationist
Parkdale Center, Suite 250
601 Business Loop 70 W
Columbia, MO 65203-2546

National Geodetic Survey:

National Geodetic Survey
Edward J McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Deputy State Historic Preservation Officer
Historic Preservation Program
PO Box 176
Jefferson City, MO 65102

Missouri

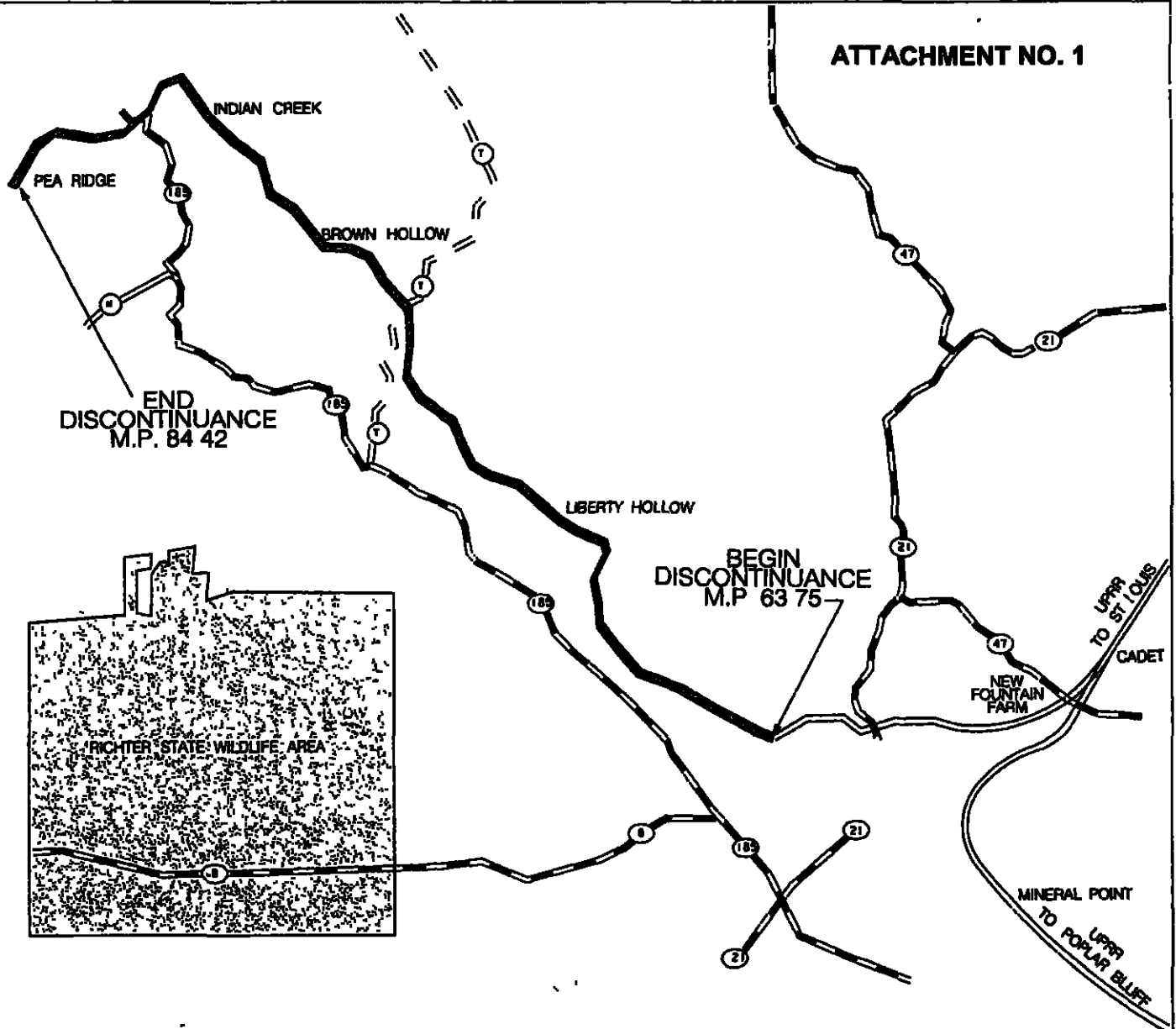
Missouri Public Service Commission
Governor Office Building
200 Madison Street, P O Box 360
Jefferson City, MO 65102-0360

Dated this 19th day of February, 2009


Mack H. Shumate Jr.

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ATTACHMENT NO. 1



PEA RIDGE SUBDIVISION

MP 63 75 TO MP 84 42
A TOTAL OF 20 67 MILES
IN WASHINGTON COUNTY, MISSOURI

STATION	MILE POST	AGENCY
INDIAN CREEK	72 40	NO
PEA RIDGE	84 10	NO

LEGEND

- UPRR LINES TO BE DISCONTINUED
- OTHER UPRR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

UNION PACIFIC RAILROAD CO.

PEA RIDGE SUBDIVISION

NOTE: NO 50+ YEAR OLD STRUCTURES
ON THIS LINE

SCALE MILES

CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861



April 21, 2003

State Clearinghouse (or alternate):

Missouri Federal Assistance Clearinghouse
Office of Administration
P. O. Box 809
Truman Building, Room 840
Jefferson City, MO 65102

State Environmental Protection Agency:

Missouri Water Pollution Control
Department of Natural Resources
Division of Environmental Quality
210 Hoover Road, P. O. Box 176
Jefferson City, MO 65102-0176

**State Coastal Zone Management Agency
(if applicable):**

None

Head of each County:

Washington County Commissioners
102 North Missouri Street
County Courthouse
Potosi, MO 63664-1774

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency
Region 7
901 N. 5th Street
Kansas City, KS 66101

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service - Region 3
Great Lakes - Big River Region
1 Federal Drive
BWH Federal Building
Fort Snelling, MN 55111

U.S. Army Corps of Engineers:

U.S. Army Engineer District
St. Louis
1222 Spruce Street
St. Louis, MO 63103-2833

National Park Service:

William D. Shaddox
Chief, Land Resources Division
National Park Service
800 North Capitol Street, NE, Room 500
Washington, D.C. 20002

U.S. Natural Resources Conservation Service:

USDA Natural Resource Conservation Service
State Conservationist
Parkdale Center, Suite 250
601 Business Loop 70W
Columbia, MO 65203-2546

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Deputy State Historic Preservation Officer
Historic Preservation Program
P. O. Box 176
Jefferson City, MO 65102

Re: Proposed Abandonment of the Pea Ridge Subdivision from M. P. 59.0 near New Fountain Farm to M. P. 84.42 near Pea Ridge, a distance of 25.42 miles in Washington County, Missouri; STB Docket No. AB-33 (Sub-No. 204x)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Pea Ridge Subdivision from M. P. 59.0 near New Fountain Farm to M. P. 84.42 near Pea Ridge, a distance of 25.42 miles in Washington County, Missouri. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission. If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

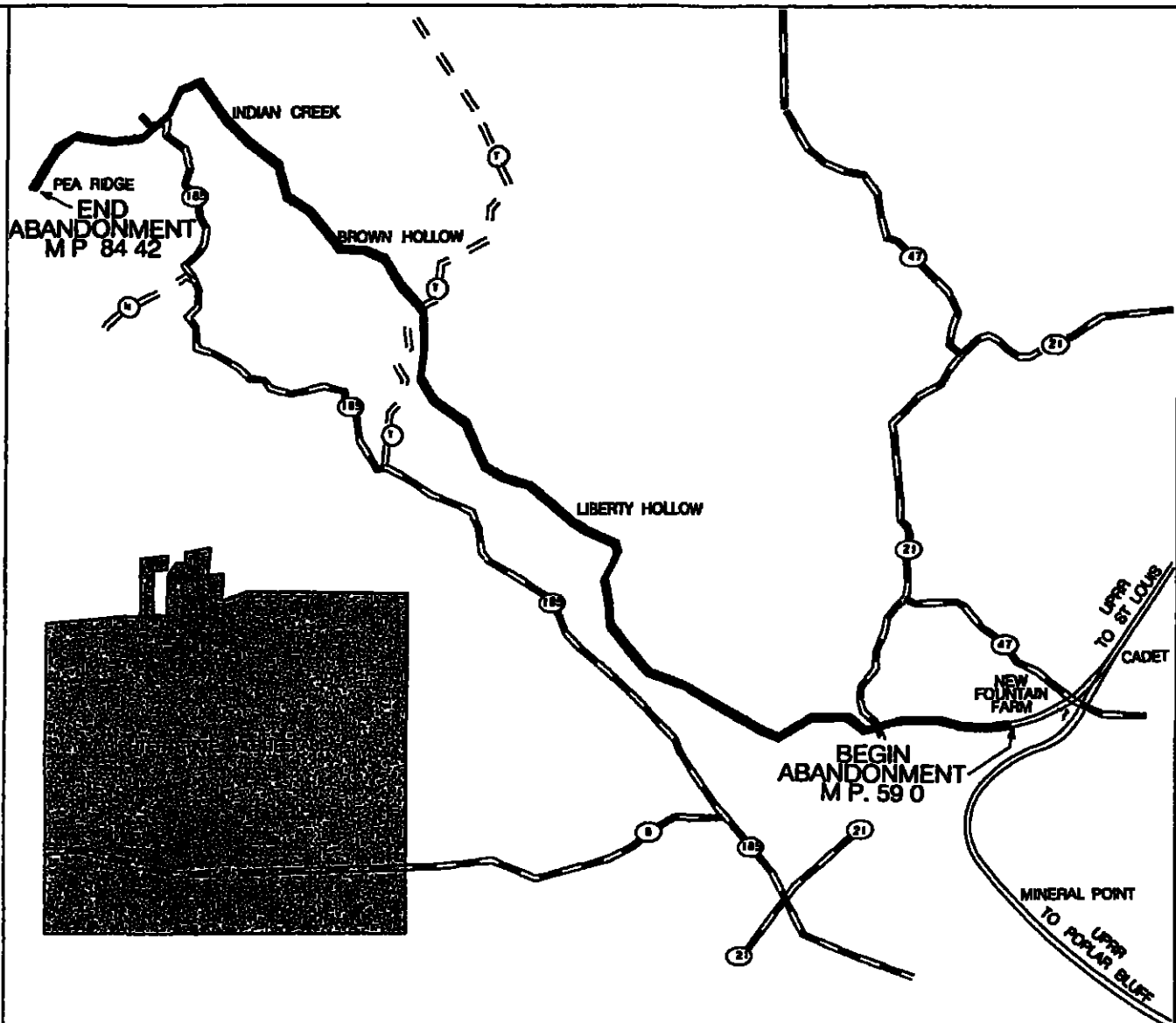
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

Yours truly,


Charles W. Saylor

Attachment



PEA RIDGE SUBDIVISION

MP 59.0 TO MP 84.42
A TOTAL OF 25.42 MILES
IN WASHINGTON COUNTY, MISSOURI

STATION	MILE POST	AGENCY
INDIAN CREEK	72.40	NO
PEA RIDGE	84.10	NO

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

UNION PACIFIC RAILROAD CO

PEA RIDGE SUBDIVISION

NOTE: NO 50+ YEAR OLD STRUCTURES
ON THIS LINE

SCALE MILES

0\ABANDONMENTS\AB0326_PEA RIDGE.DGN DECEMBER 1, 2002



July 11, 2003

VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

RE: Proposed Abandonment and Discontinuance of service over Pea Ridge Subdivision from Milepost 59.0 near New Fountain Farm to Milepost 84.42 near Pea Ridge Subdivision, a distance of 25.42 miles in Washington County, Missouri Docket No. AB-33 (Sub-No. 204X)

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Petition for Exemption in this matter on or after July 31, 2003.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", with a stylized flourish at the end.

Enclosures

O:\ABANDONMENTS\33-204X\STB-Letter.wpd

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065



Law Department

February 4, 2009

State Clearinghouse (or alternate):
Missouri Federal Assistance Clearinghouse
Office of Administration
Missouri State Capitol Building, Room 125
201 West Capitol Avenue, P O Box 809
Jefferson City, Missouri 65101

State Environmental Protection Agency:
Missouri Department of Natural Resources
Division of Environmental Quality
P O Box 176
Jefferson City, MO 65102-0176

State Coastal Zone Management Agency
(if applicable):
Not applicable.

Head of County (Planning):
Washington County Supervisors
102 North Missouri Street
County Courthouse
Potosi, MO 63664-1744

Environmental Protection Agency
(regional office):
U S Environmental Protection Agency
Region 7
901 N 5th Street
Kansas City, KS 66101

U.S. Fish and Wildlife:
U.S Fish and Wildlife Service
Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling, MN 55111

U.S. Army Corps of Engineers:
Department of the Army
St. Louis District, Corps of Engineers
1222 Spruce Street
St Louis, MO 63103-2833

National Park Service:
Nick Chevance, Environmental Coordinator
Planning and Compliance Office
National Park Service-Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Natural Resources Conservation Service:
State Conservationist
USDA, Natural Resources Conservation Service
Missouri State Office
Parkade Center, Suite 250
601 Business Loop 70 West
Columbia, MO 65203-2546

National Geodetic Survey:
National Geodetic Survey
Frank Maida, Chief
Spatial Reference System Division
NOAA N/NGS23
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:
Mr. Stephen Mahfood
State Historic Preservation Officer
Department of Natural Resources
P. O Box 176
Jefferson City, MO 65102

Re Proposed Exempt Discontinuance Operations of the Pea Ridge Subdivision from Milepost 63 76 near New Fountain Farm to Milepost 84 42 near Pea Ridge, a distance of 20 67 miles in Washington County, Missouri, STB Docket No AB-33 (Sub-No 204X)

Dear Sirs:

On April 21, 2003, Union Pacific Railroad Company sent a notice to agencies announcing an intent to abandon its Pea Ridge Subdivision from Milepost 59.0 near New Fountain Farm to Milepost 84 42 near Pea Ridge, a distance of 25 42 miles in Washington County, Missouri. The proposed abandonment was

referenced as AB-33 (Sub-No 204X) Union Pacific did not pursue the filing for abandonment in 2003, but now plans to request authority from the Surface Transportation Board (STB) to discontinue service on the Pea Ridge Subdivision from Milepost 83.75 to Milepost 84.42, in Washington County, Missouri rather than a full abandonment of the line and a reduction of the original distance. The proposed discontinuance will again be referenced as AB-33 (Sub-No. 204X). A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C F R Part 1152, and the environmental regulations at 40 C F R Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts, however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, if Addressed) State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY) (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Ms. Colleen Graham, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-1643.

Sincerely,



Colleen K. Graham
Paralegal
Union Pacific Railroad
Law Department
1400 Douglas St
Stop 1580
Omaha, NE 68179
(w) 402-544-1643
cgraham@up.com

Enclosure(s)
CKG/



Jeremiah W. (Jay) Nixon
Governor

State of Missouri
Office of Administration
Post Office Box 809
Jefferson City, Missouri
65102
(573) 751-1851

Kelvin L. Simmons
Commissioner

February 17, 2009

Colleet Graham
Union Pacific Railroad
1400 Douglas Street
Mail Stop 1580
Omaha, NE 68179
cgraham@UP.com

Dear Ms. Graham:

Subject 0907011

The Missouri Federal Assistance Clearinghouse, in cooperation with state and local agencies interested or possibly affected, has completed the review on the above project application.

None of the agencies involved in the review had comments or recommendations to offer at this time. This concludes the Clearinghouse's review.

A copy of this letter is to be attached to the application as evidence of compliance with the State Clearinghouse requirements.

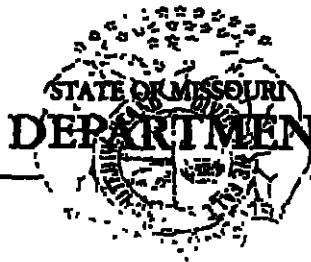
Please be advised that I am the contact for the Federal Funding Clearinghouse. You can send future requests to the following address: Sara VanderFeltz, Federal Funding Clearinghouse, 201 West Capitol, Room 125, and Jefferson City, Missouri 65101.

Sincerely,

A handwritten signature in cursive script that reads "Sara VanderFeltz".

Sara VanderFeltz
Administrative Assistant

cc:



Bob Holden, Governor • Stephen M. Mahfood, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.state.mo.us

May 1, 2003

Charles W. Saylor
Union Pacific Railroad
1416 Dodge Street, Room 830
Omaha, Nebraska 58179

Re: Pea Ridge Subdivision Abandonment (STB) Washington County, Missouri

Dear Mr. Saylor:

Thank you for submitting information on the above referenced project for our review pursuant to Section 106 of the National Historic Preservation Act (P.O. 89-665, as amended and the Advisory Council on Historic Preservation's regulation 36 CFR Part 800, which require identification and evaluation of cultural resources.

We have reviewed the additional information provided concerning the above referenced project. We have determined that the Pea Ridge Subdivision from M.P. 59.0 near New Fountain Farm to M.P. 84.42 near Pea Ridge, is eligible for inclusion in the National Register of Historic Places as a component of the Iron Mountain Railroad.

In accordance with the Advisory Council on Historic Preservation's regulation Protection of Historic Properties (36 CFR Part 800), Section 800.5, we have also reviewed the proposed project and has determined that the proposed abandonment will have an "adverse effect" on the historic fabric of the Pea Ridge Subdivision.

Therefore, in accordance with Section 800.6(a)(1), the Surface Transportation Board shall forward the necessary adequate documentation as described to the Executive Director, Advisory Council on Historic Preservation, The Old Post Office Building, 1100 Pennsylvania Avenue NW, #808, Washington, DC 20004. Pending receipt of the Council's decision on whether it will participate in consultation, no action shall be taken which would foreclose Council consideration of alternatives to avoid or satisfactorily mitigate any adverse effect on the property in question.

If you have any questions, please write Judith Deal at State Historic Preservation Office, P.O. Box 176, Jefferson City, Missouri 65102 or call 573/751-7862. Please be sure to include the SHPO Log Number (011-WA-03) on all future correspondence or inquiries relating to this project.

Sincerely,

STATE HISTORIC PRESERVATION OFFICE

A handwritten signature in black ink, appearing to read "Mark A. Miles", is written over the typed name.

Mark A. Miles
Interim Director and Deputy State
Historic Preservation Officer

c Tom McCulloch, ACHP
Charles McNulty, STB

Integrity and excellence in all we do

CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

1418 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861



June 3, 2003

Judith Deel
State Historic Preservation Office
P. O. Box 176
Jefferson City, MO 65102

Re: Pea Ridge Subdivision Abandonment in Washington County, Missouri
- SHPO Log Number (011-WA-03)

Dear Ms. Deel:

Thank you for your May 1, 2003 letter responding to Union Pacific's proposed abandonment of the Pea Ridge Subdivision in Washington County, Missouri. Your letter indicated that the proposed abandonment has potential historic implications and is eligible for inclusion in the National Register of Historic Places as a component of the Iron Mountain Railroad.

Our records indicate that the Pea Ridge Subdivision from M.P. 59.0 near New Fountain Farm to M.P. 84.42 near Pea Ridge was constructed by the Missouri Pacific Railroad Company in 1961, and therefore, is neither part of the Iron Mountain Railroad nor 50 years old.

When we discussed this matter last week you asked for some evidence which supported our position. Enclosed is a copy of the track profile for the Pea Ridge Subdivision from M.P. 59.0 to M.P. 84.42. I have highlighted the notation stating when and by whom the subdivision was constructed for your reference. I asked that you review the material and reconsider the determination presented in your May 1st letter.

If you have any questions, please call me at (402) 271-4861. Thanks for your consideration.

Sincerely,

Charles W. Saylor
Charles W. Saylor

ATTACHMENT NO. 6^{204X}
RECEIVED

CULTURAL RESOURCE ASSESSMENT JUN 24 2003
Section 106 Review

MISSOURI DEPARTMENT
UNION PACIFIC RR CO.

CONTACT PERSON/ADDRESS

C:

Charles W Saylor
Union Pacific Railroad
1416 Dodge Street, Room 830
Omaha, Nebraska 58179

Harold McNulty, STP
Tom McCulloch, ACHP

PROJECT:

Pea Ridge Subdivision Abandonment Replaces SHPO Letter Dated 05-01-03

FEDERAL AGENCY

RUS

COUNTY:

WASHINGTON

The State Historic Preservation Office has reviewed the information submitted on the above referenced project. Based on this review, we have made the following determination:

☐

After review of initial submission, the project area has a low potential for the occurrence of cultural resources. A cultural resource survey, therefore, is not warranted.

☒

Adequate documentation has been provided (36 CFR Section 800.11). There will be "no historic properties affected" by the current project.

☐

An adequate cultural resource survey of the project area has been previously conducted. It has been determined that for the proposed undertaking there will be "no historic properties affected".

For the above checked reason, the State Historic Preservation Office has no objection to the initiation of project activities. PLEASE BE ADVISED THAT, IF THE CURRENT PROJECT AREA OR SCOPE OF WORK ARE CHANGED, A BORROW AREA IS INCLUDED IN THE PROJECT, OR CULTURAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, APPROPRIATE INFORMATION MUST BE PROVIDED TO THIS OFFICE FOR FURTHER REVIEW AND COMMENT. Please retain this documentation as evidence of compliance with Section 106 of the National Historic Preservation Act, as amended.

By:


Mark A. Miles, Deputy State Historic Preservation Officer

June 12, 2003

Date

MISSOURI DEPARTMENT OF NATURAL RESOURCES
STATE HISTORIC PRESERVATION OFFICE
P.O. Box 176, Jefferson City, Missouri 65102

For additional information, please contact Judith Deel, (573) 751-7862. Please be sure to refer to the project number:
011-WA-03